

CITY OF HAMILTON

MOTION

Planning Committee: March 23, 2021

MOVED BY COUNCILLOR DANKO.....

SECONDED BY COUNCILLOR

Local Planning Appeal Tribunal Hearing - Application HM/A-21:07 (109 East 11th St., Minor Variances)

WHEREAS, the owner of the lands located at 109 East 11th St. applied for Minor Variances (application HM/A-21:07) to enable the conversion of the existing single detached dwelling to contain two dwelling units;

WHEREAS, the Minor Variances were scheduled to be heard on February 18th, 2021, in accordance with the *Planning Act*, section 45(6) which states:

“(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. R.S.O. 1990, c. P.13, s. 45 (6)”;

WHEREAS, there were members of the public who had registered to speak at the hearing on this application and who had also submitted written objections to the application;

WHEREAS, due to technical issues at the City, the members of the public who had registered to speak at the Hearing were not heard;

WHEREAS, the Minor Variances were approved by the Committee of Adjustment; and

WHEREAS, an appeal of the Decision of the Committee of Adjustment to the Local Planning Appeal Tribunal (LPAT) was received by the City on March 10, 2021;

THEREFORE BE IT RESOLVED:

- (a) That Council direct staff from Legal Services to attend the Local Planning Appeal Tribunal hearing in opposition to the approval of Application HM/A-21:07 (109 East 11th St., Minor Variances to enable the conversion of the existing single detached dwelling to contain two dwelling units) by the Committee of Adjustment as members of the public who registered to speak were not heard;
- (b) That should an outside planner be required at the hearing that they be funded from the Tax Stabilization Reserve (account 110046); and,
- (c) That the General Manager of Planning and Economic Development be authorized to file a place holder appeal where in the opinion of the General Manager, in consultation with the Ward Councillor and the Chair of Planning Committee, that the Committee of Adjustment did not act in accordance with section 45(6) of the *Planning Act*.